IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11100 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMNARAYAN BINDRAPRASAD SHAHU

Versus

STATE OF GUJARAT

Appearance:

MR HR PRAJAPATI for Petitioner

MR SAMIR DAVE AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/01/2001

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. The petitioner was detained as dangerous person. In para (m) of the Special Civil Application the grievance has been made that the copies of the statements of the

witnesses recorded under Section 161 of the Cr.P.C. in the C.Rs., details of which are given in that para, are not supplied to the petitioner.

#. Reply to the Special Civil Application has not been filed by respondents which is not in dispute. In absence of the reply to the Special Civil Application this grievance made by the petitioner in par No.(m) of the petition stands uncontroverted. Otherwise also, Shri Samir Dave, AGP fairly submits that the copies of the statements of witnesses recorded under Section 161 of the Cr.P.C. as stated in para (m) are not supplied to the petitioner. It is a clear case where the petitioner has been denied of his right to make effective representation against the detention order as guaranteed to him under Article 22(5) of the Constitution of India.

In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 31.8.2000 is quashed and set aside. The petitioner Ramnarayan Bindraprasad Shahu, the detenu, at present in Porbandar Jail, Porbandar be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. As the learned counsel for the respondents fairly conceded the position, no order as to costs.

(S.K.Keshote, J.)

*Pvv